MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2018/2019

UIC2612 – ISLAMIC CONSTITUTIONAL LAW

(All Sections / Groups)

28 MAY 2019
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of Translation of Al-Quran. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited. Students are not allowed to lend or borrow the Translation of Al-Quran during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE QUESTION ONLY)

Question 1

According to Tharwat Badawi in his writing *al-Nuzum al-Siyasiyyah*, the Islamic state in Madinah was the first constitutional government on earth, in which the ruler is bound by law, [and] he must exercise his authority in accordance with the higher law (the constitution) which limits his authority.

1) Briefly discuss the above statement in light of the authenticity of *Sahifah Madinah* as a constitution. Support your discussion with relevant authorities from the *Sahifah*.

(15 marks)

2) Briefly explain, with support of relevant authorities, the characteristics of an Islamic state.

(10 marks)

(Total 25 marks)

Question 2

Muhammad Sa'id al-'Ashmawi, an Egyptian scholar, relates the word *khalifa* to all the human beings because of their *niyaba*, the act of being a *naib* or the representative of God upon the earth, bearing the evidence of His existence. The majoritarian position of Muslim scholarship underlines that Islam, covering all the aspects of the faithful's life, is "integralism" of religion and State.

1) With reference to the above statement, elaborate the various elements of an Islamic politics. Support your answer with relevant authorities and views of the scholars.

(15 marks)

2) Explain the concepts of sovereignty and vicegerency in an Islamic constitution and distinguish the two with secular constitution.

(10 marks)

(Total 25 marks)

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PART B (ANSWER ALL QUESTIONS)

Question 3

Istikhlaf refers to the process of choosing one's own successor which is practised after the demise of Prophet Muhammad (p.b.u.h). It shall be materialized through *shura* that is by mutual consultation with all the members of consultative committee. In the meantime, it is followed by *bai'ah*, when the ruled support the assumption of leadership position and inform the ruler that they pledge their allegiance to him.

In the light of the aforementioned statement:

1) Elaborate all the relevant concepts in the selection of the head of the state in the context of Islamic political and constitutional point of view.

(20 marks)

2) In your opinion, what are the significances of these concepts to the duty of Head of Islamic state?

(5 marks)

(Total 25 marks)

Question 4

Darul Iman is a sovereign Islamic state, having majority population of Muslims and minority of non-Muslims from different religions. Sheikh Abdul Rahman is the newly appointed ruler of the state. Among his initial duties are to choose the consultative committee *(Majlis al-Shura)* for the state and to ensure the appointed personnel are really qualified and knowledgeable.

He received some nominations from the public. Among the nominees are Samirah, Talhah and Richard McGill. Samirah is the founder of MAWARKU, a feminist movement who has been fighting for equal rights of Muslim women in all aspects of life like politics, education and so on. Talhah is an engineer who is attached to a group of multinational companies for more than 10 years. He has vast experience in artificial intelligence and cyber security related matters. He has contributed his ideas to accomplish some innovations in the USA. Meanwhile, Richard McGill is a professor in psychology from Malaika University and is nominated to represent the rights of non-Muslims in the country.

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Due to this, Al-Zayn Movement, a young Muslim association has opposed to the nominations based on few reasons. They claimed that Samirah is an extreme feminist, so it is afraid that she will give bad influence to the public at large. They also said that since Talhah has spent most of his lifetime in the west, he is a secular thinker. Thus, his opinion will not be based on Islamic principles. Then they also considered Richard Mc Gill's points of view will be biased and self-centered since he is a non-Muslim.

Advise the ruler on the above matter. Do you think Al-Zayn Movement's objection is legally justified?

(Total 25 marks)

Question 5

In Surah Ali-Imran 3:103 Allah says: "And hold fast all together to the rope of God, and never be divided..."

Based on the above verse, discuss comprehensively on the freedom of association in Islam and the principles of unity in Islamic leadership. Relate your discussion with the duty of obedience to the head of Islamic state.

(Total 25 marks)

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